

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

RUBY PHILLIPS, )  
                    )  
Plaintiff,       )  
                    )  
v.                )     Case No. CIV-16-527-D  
                    )  
TARGET STORES, INC.,     )  
T-43 a/k/a TARGET     )  
CORPORATION,        )  
                    )  
Defendant.        )

**ORDER**

This matter comes before the Court on Defendant's Motion in Limine [Doc. No. 43] and Motion to Strike Plaintiff's Claim for Punitive Damages [Doc. No. 44]. Since Plaintiff has not responded to either motion within the prescribed time period, the motions may be deemed confessed. *See LCvR 7.1(g)* ("Any motion that is not opposed within 21 days may, in the discretion of the court, be deemed confessed."). Nonetheless, since the issue of punitive damages is fact specific, the Court finds Defendant's challenge to Plaintiff's request for punitive damages is better suited for summary judgment consideration and Defendant's Motion to Strike is denied on that basis. Moreover, although the Court grants Defendant's Motion in Limine due to Plaintiff's failure to respond, rulings in limine are subject to change as the case unfolds or at the Court's discretion. *Luce v. United States*, 469 U.S. 38, 41 (1984).

Accordingly, Defendant's Motion in Limine is **GRANTED** and Defendant's Motion to Strike is **DENIED** as set forth herein.

**IT IS SO ORDERED** this 5<sup>th</sup> day of October 2017.



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TIMOTHY D. DEGIUSTI  
UNITED STATES DISTRICT JUDGE